

## II. Remarks

Reconsideration and re-examination of this application in view of the following remarks is herein respectfully requested.

Applicants would like to thank the examiner for the interview conducted on November 4, 2008. The amendments to claims 1 and 22 were discussed and are now incorporated into the instant amendment. Both the undersigned and the examiner agreed that the amendments overcame the rejections from the final office action, as denoted in Examiner's interview summary of November 7, 2008.

Claims 2 and 21 have been cancelled. Claims 1, 3-20, and 22-24 are pending.

### *Claim Rejections - 35 U.S.C. §103*

Claims 1, 4-20, 22, and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle (Boyle) in view of U.S. Patent No. 5,681,347 to Cathcart, et al. (Cathcart) in view of U.S. Patent No. 5,484,444 to Braunschweiler et al. (Braunschweiler) and in view of U.S. Patent No. 5,486,183 to Middleman et al. (Middleman).

Claim 1 and 22 now recite that when fully deployed each loop extends substantially perpendicular to a longitudinal axis of the elongate control member, the plurality of loops being substantially arranged in a cross-sectional region proximal from the atrumatic tip section, each loop extending radially outward from the elongate control member in the cross-sectional region and being equally spaced angularly around the elongate control member in the cross-sectional region. None of the cited references alone or in combination teach this element. One example of this

configuration is shown in Figure 4 and Figure 8. Each of the cited references that include loops, show the loops extending past the end of the device. Further, none of the references show loops extending radially outward from an elongate control member and having equal angular spacing around the elongate control member in a cross-sectional region perpendicular to the elongate control member. As such, the cited references cannot teach the present invention according to claim 1 and 22.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Boyle in view of Cathcart, in view of Braunschweiler, in view of Middleman, and in view of U.S. Patent No. 5,330,484 to Gunther et al. (Gunther).

Claim 3 depends from claim 1 and is, therefore, patentable for at least the same reasons as given above in support of claim 1.

#### *New Claim 24*

Claim 24 depends from claim 1 and is, therefore, patentable for at least the same reasons as claim 1. In addition, claim 24 recites that each of the wire loops is pie-shaped upon deployment from the distal end of the outer sheath, each wire loop having an arcuate outer section, the arcuate outer sections cooperating to form a circular perimeter substantially perpendicular to a longitudinal axis of the elongate control member, each arcuate outer section having a radius about equal to a radius of the circular perimeter, each wire loop having an opening, the openings cooperating to substantially fill the circular perimeter, further wherein moving the elongate control member distally relative to the outer sheath expands the circular perimeter and cooperatively expands the radius of the arcuate outer sections thereby increasing the openings of the wire loops to again substantially fill the circular

perimeter. Since the cited references do not teach each of the limitations noted above, claim 24 is patentable for at least these reasons as well.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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